

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3426 Wells Street, Fort Wayne, Indiana 46808 (Edy's Grand Ice Cream).

WHEREAS, Petitioner has duly filed its petition dated June 9, 1988, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to wit:

Situated in the State of Indiana, County of Allen and City of Ft. Wayne;

Tract 1: The North 400 feet of Lot "B" on the plat of Romy's Out Lots in Sections numbered 26 and 35 in Washington Township, according to the plat recorded in Plat Book 1, on page 73, of the Plat Books of said Allen County, excepting therefrom a strip of land of a uniform width of 50 feet off the East end of said Lot "B".

Tract 2: A strip of land of a uniform width of 50 feet off of the East end of Lot "B" in Romy's Out Lots in Section 26, Township 31 North, Range 12 East, containing approximately .52 of an acre, being the same parcel of land which was deeded by Charles Mesing and wife to The Toledo and Chicago Interurban Railway company, which deed was recorded November 27, 1905, in Deed Record 186, page 434, of the Deed Records of said Allen County.

said property more commonly known as 3426 Wells Street, Fort Wayne, Indiana 46808.

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end

of that one-year period.

SECTION 2. That upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development Requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall apply to both a deduction of the assessed value of real estate and personal property for the new manufacturing equipment.

SECTION 4. That the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of the redevelopment or rehabilitation and the estimate of the value of the new manufacturing equipment, all contained in Petitioner's Statement of Benefits, are benefits that can be reasonably expected to result from the proposed described redevelopment

1 or rehabilitation and from the installation of the new
2 manufacturing equipment.

3 SECTION 5. The current year approximate tax rates for
4 taxing units within the City would be:

5 (a) If the proposed development does not occur, the
6 approximate current year tax rates for this site
7 would be \$6.3914/\$100.

8 (b) If the proposed development does occur and no
9 deduction is granted, the approximate current year
10 tax rate for the site would be \$6.3914/\$100 (the
11 change would be negligible).

12 (c) If the proposed development occurs, and a
13 deduction percentage of fifty percent (50%) is
14 assumed, the approximate current year tax rate for
15 the site would be \$6.3914/\$100 (the change would
16 be negligible).

17 (d) If the proposed new manufacturing equipment is not
18 installed, the approximate current year tax rates
19 for this site would be \$6.3914/\$100.

20 (e) If the proposed new manufacturing equipment is
21 installed and no deduction is granted, the
22 approximate current year tax rate for the site
23 would be \$6.3914/\$100 (the change would be
24 negligible).

25 (f) If the proposed new manufacturing equipment is
26 installed, and a deduction percentage of eighty
27 percent (80%) is assumed, the approximate current
28 year tax rate for the site would be \$6.3914/\$100
29 (the change would be negligible).

30 SECTION 6. That this Resolution shall be subject to
31 being confirmed, modified and confirmed or rescinded after
32 public hearing and receipt by Common Council of the above
described recommendations and resolution, if applicable.

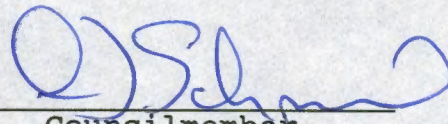
SECTION 7. Pursuant to I.C. 6-1.1-12.1, it is hereby
determined that the deduction from the assessed value of the

PAGE 4

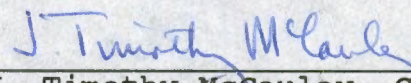
1 real property shall be for a period of ten (10) years, and
2 that the deduction from the assessed value of the new
3 manufacturing equipment shall be for a period of five (5)
4 years.

5 SECTION 8. The benefits described in the Petitioner's
6 statement of benefits can be reasonably expected to result
7 from the project and are sufficient to justify the applicable
8 deductions.

9 SECTION 9. That this Resolution shall be in full force
10 and effect from and after its passage and any and all
11 necessary approval by the Mayor.

12 
13 _____
14 Councilmember

15 APPROVED AS TO FORM
16 AND LEGALITY

17 
18 J. Timothy McCaulay, City Attorney
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Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time by
title and referred to the Committee on _____ (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building,
Fort Wayne, Indiana, on _____, the _____, day
of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Admish,
seconded by Admish, and duly adopted, placed on its
passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY				<u>✓</u>
BURNS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
STIER				<u>✓</u>
TALARICO	<u>✓</u>			

DATED: 6-14-88

Nadelya Estorff
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____

(SPECIAL) _____ (ZONING MAP) _____ ORDINANCE RESOLUTION NO. 03-27-88

on the 14th day of June, 1988.

ATTEST

SEAL

Nadelya Estorff
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 15th day of June, 1988,
at the hour of 11:30 o'clock A. M., E.S.T.

Nadelya Estorff
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of June,
1988, at the hour of 8:30 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

SUMMARY SHEET & ECONOMIC DEVELOPMENT RECOMMENDATION
FOR
"ECONOMIC REVITALIZATION AREA"
IN
CITY OF FORT WAYNE, INDIANA

Name of Applicant: Edy's Grand Ice Cream

Site Location: 3426 Wells Street

Fort Wayne, IN 46808

Councilmanic District: 3 Existing Zoning: M-2

Nature of Business: SIC: 2020 Manufacturer of Premium Ice Cream

Project is located in the following:

	<u>Yes</u>	<u>No</u>
Designated Downtown Area	<u> </u>	<u> x </u>
Urban Enterprise Zone	<u> </u>	<u> x </u>
Redevelopment Area	<u> </u>	<u> x </u>
Platted Industrial Park	<u> </u>	<u> x </u>
Flood Plain	<u> </u>	<u> x </u>

Description of Project:

A complete new production line for the manufacture of a new Frozen Dairy dessert. A
second project involves the construction of a new cold storage warehouse approximately
20,000 sq. ft. in size.

Type of Tax Abatement: Real Property x Manufacturing Equipment x

Estimated Project Cost: \$ 4,888,500 Permanent Jobs Created: 34

STAFF RECOMMENDATION:

As stated per the established policy of the Division of Economic Development, the following recommendations are hereby made:

- 1.) Designation as an "Economic Revitalization Area" should be granted. x Yes No
- 2.) Designation should be limited to a term of 1 year(s).
- 3.) The period of deduction should be limited to 10 year(s).

Comments:

Staff
Date

H. William Rastler
6/9/88

Director
Date

Mark D. Biele
6/9/88



STATEMENT OF BENEFITS

STATE BOARD OF TAX COMMISSIONERS

State Form 27167 (7-87)

Form SB-1 is prescribed by the State Board of Tax Commissioners (1987)

Confidential Statement: The records in this series are CONFIDENTIAL according to Indiana Code 6-1.1-35-9.

INSTRUCTIONS: (I.C. 6-1.1-12.1) THIS PAGE TO BE COMPLETED BY APPLICANT

1. This statement must be submitted to the body designating the economic revitalization area BEFORE a person acquires new manufacturing equipment or begins the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. Effective July 1, 1987.
2. If a person is requesting the designation of an economic revitalization area, this form must be submitted at the same time the request is submitted.
3. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained before a deduction may be approved.
4. To obtain a deduction Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PP, New Machinery, must be filed with the county auditor. With respect to real property, Form 322 ERA must be filed by the later of (1) May 10 or (2) thirty(30) days after a notice of increase in real property assessment is received from the township assessor. Form 322 ERA / PP must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment is installed, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and June 14 of that year.

Name of Designating Body Common Council, City of Fort Wayne	County Allen
Name of Taxpayer Edy's Grand Ice Cream	
Address of Taxpayer (Street, city, county) 3426 Wells St., Fort Wayne, Allen County	ZIP Code 46808

SECTION I LOCATION, COST AND DESCRIPTION OF PROPOSED PROJECT

Location of property if different from above Same As Above	Taxing District
Cost and description of real property improvements and / or new manufacturing equipment to be acquired: A complete new production line for the manufacture of a new Frozen Dairy Dessert Equipment includes mix & flavor tanks, an Ice Cream Freezer, several pieces of Packaging Equipment, Hardening Equipment and a semi-automated Palletizing Station. A second project involves the construction of a new cold storage warehouse approximately 20,000 sq. ft. in size. (Attach additional sheets if needed)	
Estimated Starting Date 7/1/88	Estimated Completion Date 3/1/89

SECTION II ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
65 *	\$1,512,119	Same	Same	34	\$700,128

SECTION III ESTIMATE TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS		MACHINERY	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current Values	none	none	8,637,655	
Plus estimated values of proposed project			4,888,500	
Less: Values of any property being replaced				
Net estimated values upon completion of project			13,526,155	

SECTION IV OTHER INFORMATION REQUIRED BY THE DESIGNATING BODY

I hereby certify that the representations on this statement are true.		Signature of Authorized Representative <i>Lawrence H. Coates</i>
Title Plant Controller	Date of Signature 6-9-88	Telephone Number (219) 453-3102

FOR USE OF DESIGNATING BODY

IMPACT ON THE CURRENT YEAR TAX RATE FOR THE TAXING DISTRICT INDICATED ABOVE

Tax Rates Determined Using The Following Assumptions		Total Tax Rates
1.	Current total tax rate.	\$ 6.3914
2.	Approximate tax rate if project occurs and no deduction is granted.	\$ 6.3914
3.	Approximate tax rate if project occurs and a deduction is assumed.	\$ 6.3914

Assume an 80% deduction on new machinery installed and / or a 50% deduction assumed on real estate improvements.

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2:

- A) The designated area has been limited to a period of time not to exceed one calendar years. *(See Below)
- B) The type of deduction that is allowed in the designated area is limited to:
- 1) Redevelopment or rehabilitation of real estate improvements. ☒ Yes ☐ No
 - 2) Installation of new manufacturing equipment ☒ Yes ☐ No
 - 3) No limitations on type of deduction (check if no limitations) ☒ No
- C) The amount of deduction applicable for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1987, is limited to \$ _____ cost with an \$ _____ assessed value.

Also we have reviewed the information contained in the statement of benefits including the impact on the tax rate incorporated herein, and have determined that the benefits described above can be reasonably expected to result from the project and are sufficient to justify the applicable deduction.

Approved: Signature of Authorized Member and Title

Date of Signature

Attested By:

Designated Body

Fort Wayne City Council

* If a commission council town board or county council limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under I.C. 6-1.1-12.1-4 or 4.5 Namely:

NEW MANUFACTURING EQUIPMENT		REDEVELOPMENT OR REHABILITATION OF REAL PROPERTY IMPROVEMENT			
		For Deductions Allowed Over A Period Of:			
Year of Deduction	Percentage	Year of Deduction	Three (3) Year Percentage	Six (6) Year Percentage	Ten (10) Year Percentage
1st	100%	1st	100%	100%	100%
2nd	95%	2nd	66%	85%	95%
3rd	80%	3rd	33%	66%	80%
4th	65%	4th		50%	65%
5th	50%	5th		34%	50%
6th and thereafter	0%	6th		17%	40%
		7th			30%
		8th			20%
		9th			10%
		10th			5%

RECEIVED

MAY 27 1988

ECONOMIC
DEVELOPMENT

AN APPLICATION TO
THE CITY OF FORT WAYNE, INDIANA
FOR DESIGNATION OF PROPERTY AS AN
"ECONOMIC REVITALIZATION AREA"
AND STATEMENT OF BENEFITS

APPLICATION FOR THE FOLLOWING TYPE OF PROPERTY:

 X Real Estate Improvements
 Personal Property (New Manufacturing Equipment)
 Both Real Estate Improvements & Personal Property

A. GENERAL INFORMATION

Applicant's Name: Edy's Grand Ice Cream

Address of Applicant's Principal Place of Business:

Corporate Offices - Edy's Grand Ice Cream

5929 College Ave.

Oakland, Ca 94618

Phone Number of Applicant: (219) 483-3102

Street Address of Property Seeking Designation: 3426 Wells St

Fort Wayne, Indiana 46808

S.I.C. Code of Substantial User of Property: 2020

B. PROJECT SUMMARY INFORMATION:

	<u>YES</u>	<u>NO</u>
Is the project site solely within the city limits of the City of Fort Wayne	<u> x </u>	<u> </u>
Is the project site within the flood plain?	<u> </u>	<u> x </u>
Is the project site within the rivergreenway area?	<u> </u>	<u> x </u>
Is the project site within a Redevelopment Area?	<u> </u>	<u> x </u>
Is the project site within a platted industrial park?	<u> </u>	<u> x </u>
Is the project site within the designated downtown area?	<u> </u>	<u> x </u>
Is the project site within the Urban Enterprise Zone?	<u> </u>	<u> x </u>

Will the project have ready access to City Water? x
Will the project have ready access to City Sewer? x
Is any adverse environmental impact anticipated by
reason of operation of the proposed project? x

C. ZONING INFORMATION

What is the existing zoning classification on the project site? M-2

What zoning classification does the project require? M-2

What is the nature of the business to be conducted at the project site?
The manufacture and temporary storage of premium ice cream and

premium ice cream - related products

D. Real Estate Abatement:

Complete this section of the application only if requesting a deduction
from assessed value for real estate improvements.

What structure(s) (if any) are currently on the property?

One structure housing a dry storage warehouse, cold storage warehouse,
production area, loading dock and offices.

What is the condition of structure(s) listed above? Good

Current assessed value of Real Estate:

Land \$40,200 *

Improvements \$127,300 *

Total \$167,500 *

What was amount of Total Property Taxes owed during the immediate past
year? \$2,013.84 for year 1987.

Give a brief description of the proposed improvements to be made to
the real estate.

Construction of a new 20,000 sq ft cold storage warehouse adjacent to
the current structure.

Cost of Improvements: \$ approximately \$2,000,000

Development Time Frame:

When will physical aspects of improvements begin? October 1988

When is completion expected? March 1989

E. PERSONAL PROPERTY ADJUSTMENT:

Complete this section of the application only if requesting a deduction from assessed value for installation of new manufacturing equipment.

Current Assessed Value of Personal Property: 1,860,890 *

What was amount of Personal Property Taxes owed during the immediate past year? \$66,890.78 for year 1987.

Give a brief description of new manufacturing equipment to be installed at the project site.

The equipment to be installed will form a new production line for the manufacture of a new Frozen Dairy Dessert. The equipment for this line is projected to cost \$2.4 million. In addition, the new cold storage warehouse will require approximately \$.5 million in personal property, primarily for racking equipment and forklifts.

Cost of New Manufacturing Equipment? \$ approximately \$2.9 million

Development Time Frame:

When will installation begin of new manufacturing equipment? 7/1/88

When is installation expected to be completed? 11/1/88

F. PUBLIC BENEFIT INFORMATION:

How many permanent jobs currently are employed by the applicant in Allen County? 65 On existing lines only. Will rise to the 90-100 range by the spring of 1989 as the second shift becomes permanent.

How many permanent jobs will be created as a result of this project?

8 - Warehouse Project 26 - Production Line Project

Anticipated time frame for reaching employment level stated above?
7 months (April, 1989)

Current annual payroll: \$1,512,119

New additional annual payroll: \$700,128

* According to the Personal Property Tax Bill for Spring 1988 (payable in 1988 for 1987)

What is the nature of the new jobs to be created?
Trained ice cream production and warehousing positions

Undesirability of Normal Development:

What evidence can be provided that the property on which the project is located "has become undesirable for, or impossible of, normal development and occupancy because of lack of age, development, cessation of growth, deterioration of improvements or character of occupancy, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development of property or use of property"?

The structure on the property is specially designed and constructed as an ice cream production facility and cannot be used for any other purpose. Currently, 50% of the production area is empty, awaiting future expansion opportunities.

In what Township is project site located? Washington

In what Taxing District is project site located? Washington

G. CONTACT PERSON:

Name & address of contact person for further information if required:

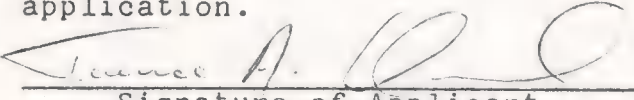
Terence A Koressel

3426 Wells St

Fort Wayne, Indiana 46808

Phone number of contact person (219) 483-3102

I hereby certify that the information and representation on this application and attached exhibits are true and complete. Further, it is hereby certified that no building permit has been issued for construction of improvements, nor has any manufacturing equipment been purchased, either of which is included and/or described herein, as of the date of filing of this application.


Signature of Applicant

5/25/88
Date

EXHIBITS:

The following exhibits must be attached to the application for it to be considered complete:

1. Legal Description of Property
2. Check for application fee of \$50.00 to be made payable to City of Fort Wayne.
3. Owners Certificate (if applicant is not the owner or property to be designated).

EXHIBIT A

**Situated in the State of Indiana, County of Allen and
City of Ft. Wayne:**

Tract 1: The North 400 feet of Lot "B" on the plat of Romy's Out Lots in Sections numbered 26 and 35 in Washington Township, according to the plat recorded in Plat Book 1, on page 73, of the Plat Books of said Allen County, excepting therefrom a strip of land of a uniform width of 50 feet off the East end of said Lot "B".

Tract 2: A strip of land of a uniform width of 50 feet off of the East end of Lot "B" in Romy's Out Lots in Section 26, Township 31 North, Range 12 East, containing approximately .52 of an acre, being the same parcel of land which was deeded by Charles Mesing and wife to The Toledo and Chicago Interurban Railway Company, which deed was recorded November 27, 1905, in Deed Record 186, page 434, of the Deed Records of said Allen County.

(Known as 3426 Wells Street)

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Declaratory Resolution

Q-88-0608

DEPARTMENT REQUESTING ORDINANCE Economic Development

SYNOPSIS OF ORDINANCE Application of Edy's Grand Ice Cream for tax abatement

for the construction of a new cold storage warehouse approximately 20,000 sq. ft.

in size. Also a complete new production line for the manufacture of a new Frozen

Dairy dessert.

EFFECT OF PASSAGE Allows the tax abatement and the construction of a new cold

storage warehouse and new equipment installed.

EFFECT OF NON-PASSAGE opposite of above

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$4,888,500

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. R-88-06-08

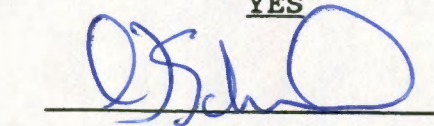
REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN (~~ORDINANCE~~) (RESOLUTION) designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as 3426 Wells Street, Fort Wayne,
Indiana 46808 (Edy's Grand Ice Cream)

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION) _____

YES

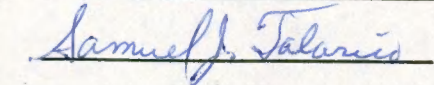
NO



DONALD J. SCHMIDT
CHAIRMAN



CHARLES B. REDD
VICE CHAIRMAN




SAMUEL J. TALARICO

JAMES S. STIER

JANET G. BRADBURY

CONCURRED IN 6-14-88


Sandra E. Kennedy
City Clerk